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RESPOND TO NEW JERSEY

December 23, 2009

VIA ELECTRONIC FILING

The Honorable John Gleeson, U.S.D.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Chambers 727S
Brooklyn, New York 11201

RE: DiMaria, et al. v. Goor, et al.
Case No. 1:09-cv-1011 (JG)

Dear Judge Gleeson:

This letter is respectfully submitted on behalf of defendants Contract Furniture Transport, Inc. (“CFT, Inc.”), and Martin Goor (“Goor”) in furtherance of the parties’ conference call last week with Your Honor. Specifically, Your Honor directed that we submit a letter today to address: (1) which parties we will be representing; and (2) our proposed universal motion schedule for the various motions to dismiss and motions for summary judgment with respect to the Amended Complaint.

Representation

The new parties joined by way of the Amended Complaint are Contract Furniture Transport Associates, Inc. (“CFT Assoc.”), Ryan Goor, CFT-IOS, Inc. (“CFT-IOS”), Steven Mitnick, Esq. as Assignee for the Benefit of Creditors for CFT, Inc. and CFT

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Assoc., and numerous other listed entities (together, the "Other Entities"). In addition to CFT, Inc. and Goor, this firm will also be representing CFT Assoc., and therefore, we will accept service on its behalf. We do not intend on representing any other parties. I understand that CFT-IOS and Ryan Goor will be obtaining their own, separate counsel. Though I obviously cannot accept service on their behalf, I will work with counsel for Plaintiff to attempt to arrange to have their attorneys accept service. I have also spoken with Mr. Mitnick, who will obtain counsel. Unfortunately, these legal fees will be paid from the limited assets which have been assigned, and therefore, leave less funds for payment to creditors of CFT Assoc. I have no idea whether the Other Entities will be obtaining legal counsel as I do not believe they are functioning entities, if they exist at all.

Briefing Schedule

I respectfully propose the following briefing schedule:

- All moving papers in support of any motion to dismiss or for summary judgment by any defendant shall be filed by January 15, 2010.
- All opposition papers shall be filed by January 29, 2010.
- All reply papers shall be filed by February 5, 2010.
- Return date to be scheduled by the Court.

I have spoken to Mr. Mitnick concerning this proposed briefing schedule. It is unclear at this point what obligation, if any, Mr. Mitnick has to file any responsive pleading to the Amended Complaint. That is, while Mr. Mitnick is listed in the caption, there is no relief sought against him. In any event, I understand that Mr. Mitnick will work with my proposed schedule provided he is served in the next week.

I have not spoken with counsel for CFT-IOS or Ryan Goor about my proposed schedule as I do not believe they have yet retained counsel. However, I understand that they are likely to agree with this schedule as they are anxious to move forward with having the claims against them hopefully dismissed.

We thank the Court for Your Honor's assistance in developing a unified motion schedule.

Respectfully submitted,



MICHAEL J. FELDMAN

cc: Mark Berman, Esq.
Gerald Murphy, Esq.
Steven Mitnick, Esq.
CFT-IOS, Inc.
Mr. Ryan Goor